IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21431 of 2004

Between:

E.Ramaswamy, S/o.Sri. Narasaiah,
A.P.State Road Transport Corporation, Siddipet Depot, R/o.C/o.M.Satyam,
H.No.3-3-37, Bagh Ameeri, Kukatpally, Hyderabad.

..... PETITIONER

AND

1. The Deputy Chief Personnel Manager, Hyderabad Zone, A.P.State Road Transport Corporation, Imbliban Bus Station, Hyderabad.
2 The Vice Chairman & Managing Director, A.P.State Road Transport Corporation, Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, to declare the inaction on the part of the respondents in deciding Appeal dated 27-08-2004 filed by the petitioner as illegal, arbitrary and consequently direct the respondents to consider the Appeal dt.27/08/2004 of the petitioner and pass appropriate orders reinstating him into service immediately and to grant such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.VARADARAJULU

Counsel for the Respondent Nos.1 and 2: MR.V.T.M.PRASAD (SC FOR APSRTC)

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.21431 OF 2004

ORDER:

-

This writ petition is filed seeking a Writ of Mandamus declaring the inaction on the part of the respondents in deciding the appeal dated 27.08.2004 filed by the petitioner as illegal, arbitrary and consequently direct the respondents to consider his appeal and pass appropriate orders.

Initially, the petitioner was appointed as Conductor in the respondent-Corporation. The petitioner had opted for voluntary retirement with effect from 18.04.2001 and the same was accepted by the respondent-Corporation. Accordingly, he received retiremental benefits including pension. Thereafter, the petitioner preferred an appeal on 27.08.2004 to the respondent-Corporation to reconsider his case for reinstatement into service by invoking powers under Regulation 11 of the A.P.S.R.T.C. Employees' (Services) Regulations, 1964. Since the respondents did not take any action on the appeal made by the petitioner, he has filed the present writ petition.

Learned counsel for the petitioner contended that as per Regulation 11 of the A.P.S.R.T.C. Employees' (Services) Regulations, 1964, the respondent-Corporation has to dispose of the appeal filed by petitioner and since the respondent Corporation has not passed any orders on the appeal dated 27.08.2004, and, therefore, he sought for necessary directions.

Learned counsel for the respondent-Corporation, on the other hand, contended that there is no appeal provision when a person opts for voluntary retirement and therefore, there is no need to pass any orders, hence prays to dismiss the writ petition.

The petitioner took voluntary retirement with effect from 18.04.2001 and having accepted all the retiremental benefits due to him, he purported to have been preferred an appeal under Regulation 11 of the A.P.S.R.T.C. Employees' (Services) Regulations, 1964. The respondent-Corporation has to pass orders on the appeal, but it has not passed any orders so far and whether the appeal is maintainable and whether there is any regulation to prefer an appeal when a person takes voluntary retirement has to be decided as per Regulation 11 of the A.P.S.R.T.C. Employees' (Services) Regulations, 1964.

In view of the above circumstances, the respondent-Corporation is directed to dispose of the appeal filed by the petitioner dated 27.08.2004 as per Regulation 11 of the A.P.S.R.T.C. Employees' (Services) Regulations, 1964 within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

24.11.2004

usd

-

To

1. The Deputy Chief Personnel Manager, Hyderabad Zone, A.P.State Road Transport Corporation, Imbliban Bus Station, Hyderabad.
2 The Vice Chairman & Managing Director, A.P.State Road Transport Corporation, Musheerabad, Hyderabad.
3. Two CD copies.